

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

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WENGUI GUO
a/k/a MILES KWOK
781 Fifth Avenue, 18th Floor
New York, NY 10022

Plaintiff,

v.

YUDAN LIN
128 Woodcock Trail
West Columbia, SC 29169

Defendant,

CIVIL NO. 18-

NOTICE OF REMOVAL

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF SOUTH CAROLINA, COLUMBIA DIVISION
Address: Matthew J. Perry, Jr. Courthouse
901 Richland Street, Columbia, South Carolina 29201

DEFENDANT'S NOTICE OF REMOVAL

Defendant files this notice to removal under 28 U.S.C. §1446(a).

A. Introduction

1. Plaintiff is { Wen-gui Guo }; defendant is { Yu-Dan Lin }.
2. On October 23, 2018, 2018, plaintiff sued defendant for the false, misleading, disparaging, defamatory statements and fraudulent misrepresentations in the Circuit Court of Lexington County of SOUTH CAROLINA, WENGUI GUO v. YUDAN LIN, Docket No. 2018CP3203623.
3. Defendant received notice of the suit on October 26, 2018.

B. Basis for Removal

4. Removal is proper because

There is complete diversity between the parties. 28 U.S.C. §1332(a); *Darden v. Ford Consumer Fin. Co.*, 200 F.3d 753, 755 (11th Cir. 2000); *Laughlin v. Kmart Corp.*, 50 F.3d 871,

873 (10th Cir. 1995). Plaintiff is a citizen of the state of New York, not a United States citizen. Defendant is a citizen of the state of SOUTH CAROLINA, a United States citizen. The amount in controversy exceeds \$ 75,000, excluding interest, costs, and attorney fees. 28 U.S.C. §1332(a).

5. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. §1446(a).

6. Venue is proper in this district under 28 U.S.C. §1441(a) because this district and division embrace the place where the removed action has been pending.

7. Defendant will promptly file a copy of this notice of removal with the clerk of the state Circuit court of SOUTH CAROLINA where the action has been pending.

C. Jury Demand

8. Defendant demands a jury in the federal court.

D. Conclusion

The U.S. Federal Rules of Civil Procedure permits the defendant Yu-Dan Lin may remove an action from SOUTH CAROLINA state circuit court to federal court (United States District Court for The District of SOUTH CAROLINA). In order to invoke the federal court's diversity jurisdiction, one requirement is that the amount in controversy must exceed \$75,000. On August 24, 2018, the defendant Bao-sheng Guo removes an action from SOUTH CAROLINA state circuit court of Lexington County to federal court (United States District Court For The District of SOUTH CAROLINA, Columbia Division).

E. DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED on this 2nd day of November, 2018

Respectfully submitted,

By: Yu-Dan Lin

YU-DAN LIN, Pro Se
128 Woodcock Trail
West Columbia, SC 29169
Tel: (803)-931-2163;
Email: dianatienusa@gmail.com

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

CERTIFICATE OF SERVICE

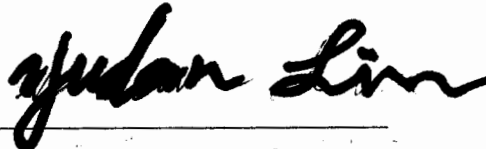
I hereby certify that on November 2, 2018, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participants:_____.

Nekki Shutt
Burnette Shutt & McDaniel LLP
912 Lady Street
Columbia, SC 29202
Phone Number: (803) 904-7912
Fax Number: (803) 904-7910
E-mail: nshutt@burnetteshutt.law
Attorney for Plaintiff

Respectfully submitted,

Dated this 2nd day of November, 2018

By:

A handwritten signature in black ink, appearing to read "YU-DAN LIN", written over a horizontal line.

YU-DAN LIN, Pro Se
128 Woodcock Trail
West Columbia, SC 29169
Tel: (803)-931-2163;
Email: dianatienusa@gmail.com